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Attorneys for
KELORA SYSTEMS, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

_____	)	No. 4:11-cv-1398-CW (filed Mar. 23, 2011)
Cabela's Inc.,	)	(related case)
)	
<i>Plaintiff and Counterclaim-Defendant,</i>	)	KELORA SYSTEMS, LLC'S AMENDED
	)	ADMINISTRATIVE MOTION TO FILE
vs.	)	UNDER SEAL DOCUMENTS IN
	)	SUPPORT OF ITS OPPOSITION TO
Kelora Systems, LLC,	)	DEFENDANTS' CLAIM
	)	CONSTRUCTION BRIEF AND MOTION
<i>Defendant and Counterclaim-Plaintiff.</i>	)	FOR SUMMARY JUDGMENT OF
	)	INVALIDITY AND NON-
	)	INFRINGEMENT
)	
	)	[CIVIL L.R. 79-5(d)]
_____)	

1		)	No. 4:11-cv-1548-CW (filed Nov. 8, 2010)
2	Kelora Systems, LLC,	)	(related case)
3	<i>Plaintiff and Counterclaim-Defendant,</i>)	
4	vs.)	
5	Target Corporation; OfficeMax Incorporated;)	
6	Rockler Companies, Inc.; 1-800-Flowers.com,)	
7	Inc.; Amazon.com, Inc.; Dell, Inc.; Office)	
8	Depot, Inc.; Newegg Inc.; Costco Wholesale)	
9	Corporation; Hewlett-Packard Company;)	
10	CircuitCity.com Inc.; Audible, Inc.; and)	
11	Zappos.com, Inc.,)	
12	<i>Defendants and Counterclaim-Plaintiffs.</i>)	
13	OfficeMax Incorporated,)	
14	<i>Third-Party Plaintiff,</i>)	
15	vs.)	
16	Adobe Systems Incorporated,)	
17	<i>Third-Party Defendant.</i>)	
18)	
19	Nebraska Furniture Mart, Inc.,	)	No. 4:11-cv-2284-CW (filed Feb. 3, 2011)
20	<i>Plaintiff and Counterclaim-Defendant,</i>	)	(related case)
21	vs.)	
22	Kelora Systems, LLC,)	
23	<i>Defendant and Counterclaim-Plaintiff.</i>)	

Pursuant to Civil L.R. 79-5(d) and 7-11 and the Court's Order Regarding Motion of Kelora Systems, LLC to File Under Seal the Declaration of Shawn G. Hansen (Docket No. 79 in Case No. 4:11-cv-01398-CW, Docket No. 389 in Case No. 4:11-cv-01548-CW, and Docket No. 91 in Case No. 4:11-cv-02284-CW) ("Order"), Kelora Systems, LLC ("Kelora") hereby brings this amended administrative motion to file under seal the following documents:

1 **1. Declaration of Shawn G. Hansen In Support of Kelora Systems, LLC’s**
 2 **Opposition to Defendants’ Claim Construction Brief and Motion for**
 3 **Summary Judgment of Invalidity and Non-Infringement, dated October 11,**
 4 **2011 (“Hansen Declaration”); and**
 5 **2. Exhibits A-E to the Hansen Declaration.**

6 On October 11, 2011, in support of Kelora’s Opposition to Defendants’ Claim
 7 Construction Brief and Motion for Summary Judgment of Invalidity and Non-Infringement,
 8 Kelora submitted the Hansen Declaration and Exhibits A-E thereto under seal solely to allow the
 9 parties who designated the materials contained therein the opportunity to submit a declaration and
 10 proposed sealing order pursuant to Civil L.R. 79-5(d). The complete, unredacted version of the
 11 Hansen Declaration and Exhibits A-E thereto were lodged with the Court for in camera review
 12 and served by email on counsel of record for all parties in the above-captioned cases pursuant to
 13 General Order No. 62 on October 11, 2011.

14 On October 17, 2011, the Court issued the above-referenced Order, requiring Kelora to
 15 file this amended administrative motion to file under seal. The concurrently submitted
 16 Declaration of Shawn G. Hansen in Support of Kelora Systems, LLC’s Amended Administrative
 17 Motion to File Under Seal (“Hansen Decl.”) provides the information required in the Court’s
 18 Order of October 17, 2011. In particular, it includes specific statements as to which parties have
 19 designated this material to be confidential, all of which are parties to this litigation, namely,
 20 Nebraska Furniture Mart, Inc. (“NFM”), Cabela’s, Inc., and Newegg Inc. Hansen Decl., ¶¶ 4-8.

21 Pursuant to the Court’s October 17, 2011, Order, within seven days after this amended
 22 motion is filed and served, any parties who consider the information to be confidential shall file a
 23 declaration in support of the motion to seal. Order, pp. 3-4. The declarations must state with
 24 particularity good cause to file each document under seal in light of Local Rule 79-5 and
 25 applicable law. Order, p. 4. If the parties designating the material as confidential fail to file their
 26 responsive declarations as required by Local Rule 79-5(d), the document or proposed filing will
 27 be made part of the public record, to the extent that the motion relied upon their designation. *Id.*

1 Kelora has not received any designation of confidentiality from Endeca regarding Exhibits
 2 A-E to the Hansen Declaration. Hansen Decl., ¶ 9. However, because Endeca may consider at
 3 least some of Exhibit E to be confidential, Kelora requested consent from NFM, which designated
 4 Exhibit E “Confidential – Attorneys’ Eyes Only”, to allow Kelora to disclose such material to
 5 Endeca along with a copy of this Court’s October 17, 2011, Order and of this Amended Motion to
 6 File Under Seal. Hansen Decl., ¶10-12. Kelora also requested that NFM advise whether NFM
 7 believes that such disclosure requires execution of an undertaking pursuant to Paragraph 11 of the
 8 Protective Order and, if so, what Endeca representative(s) should sign such an undertaking and
 9 receive the courtesy copies. Hansen Decl., ¶ 12. To date, NFM has not responded to such
 10 requests. Hansen Decl., ¶ 13. Accordingly, absent consent from NFM, Kelora believes it is
 11 precluded under this Court’s Protective Order from disclosing the subject material to Endeca.

12
13 DATED: October 21, 2011

MANATT, PHELPS & PHILLIPS, LLP

14
 15 By: /s/ Shawn G. Hansen
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 21, 2011, all counsel of record who are deemed to have consented to electronic service are being served, via the Court's CM/ECF system pursuant to Civil L.R. 5-4 and General Order 45, with a copy of the foregoing KELORA SYSTEMS, LLC'S AMENDED ADMINISTRATIVE MOTION TO FILE UNDER SEAL DOCUMENTS IN SUPPORT OF ITS OPPOSITION TO DEFENDANTS' CLAIM CONSTRUCTION BRIEF AND MOTION FOR SUMMARY JUDGMENT OF INVALIDITY AND NON-INFRINGEMENT.

/s/ Shawn G. Hansen
Shawn G. Hansen

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